

National Labor Relations Board
OFFICE OF THE GENERAL COUNSEL
Advice Memorandum

DATE: June 30, 1997

TO: William C. Schaub, Regional Director, Region 7

FROM: Barry J. Kearney, Associate General Counsel, Division of Advice

SUBJECT: Local 372, International Brotherhood of Teamsters, et al. Local 372, International Brotherhood of Teamsters, et al.
(Detroit Newspaper Agency d/b/a Detroit Newspapers, The Detroit News and The Detroit Free Press), Case 7-CB-11312

536-2501-4000, 536-2501-6500, 536-2506, 536-2509-8700

This case was submitted for advice as to whether the Unions violated Section 8(b)(1)(A) when, during an unfair labor practice strike, they (1) picketed the home of a replacement employee, (2) handbilled the neighborhood of the replacement employee, and (3) placed stickers and placards on the home and lawn of the replacement employee.

We agree with the Region that the charge should be dismissed, absent withdrawal.

We note that 20 to 25 strikers peaceably handbilled and picketed the home and neighborhood of the replacement employee on only one evening, the activity lasted only 20 to 30 minutes, the replacement employee was not home at the time, there were no confrontations with neighbors or other disruptions, ⁽¹⁾ security personnel hired by the Employer readily removed the stickers and placards placed on the replacement employee's property, ⁽²⁾ and the replacement employee has not reported having received any hostile telephone calls arguably prompted by the Unions' handbill, which listed the employee's name and home telephone number and encouraged people to call the employee and express their displeasure with her activities on behalf of replacement employees. ⁽³⁾ In sum, since the instant case involves little more than the publication of employee's telephone number to the employee's neighbors, there is insufficient evidence of a threat or form of coercion that violates Section 8(b)(1)(A). ⁽⁴⁾ In this regard it cannot be said that this conduct had the foreseeable effect of leading to and encouraging the harassment of the replacement employee.

For all of the above reasons, the charge should be dismissed, absent withdrawal.

B.J.K.

¹ See, e.g., *Carpenters Local 1098 (Womack, Inc.)*, 280 NLRB 875 fn. 1 (1986). Compare *Local 115, Teamsters (Continental-Wirt Electronics)*, 186 NLRB 56, 60 (1970) (striker came to nonstriker's porch, told her not to go to work "if she knew what was good for her"); *United Mechanics' Union Local 150-F ((American Photocopy Equipment Co.))*, 151 NLRB 386 (1965) (union violated Section 8(b)(1)(A) when it engaged in noisy demonstrations at nonstriking employees' homes, shouted at employees and their relatives, directed foul language and employees' spouses, repeatedly rang doorbells, etc.).

² Compare *International Association of Machinists (General Electric Company)*, 189 NLRB 50, 53-54 (1971) (union firebombed part of home of nonstriking employee).

³ Compare *Continental-Wirt Electronics, supra*, at 59 (employee received telephone call telling her not to go to work "if she knew what was good for her").

⁴ Compare *Communications Workers Local 1118 (New York Telephone Co.)*, 305 NLRB 770 (1991) (pickets' comments to nonstriking employee's wife and child construed as unlawful threats).